

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

PHILLIP M. ADAMS & ASSOCIATES,  
LLC, a Utah Limited Liability Company,

Plaintiff,

vs.

WINBOND ELECTRONICS  
CORPORATION, ASUS COMPUTER  
INTERNATIONAL, MICRO-STAR  
INTERNATIONAL CORP., LTD, AND  
MSI COMPUTER CORP., et al.,

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING IN PART  
DEFENDANTS' MOTION IN  
LIMINE NO. 6 TO PRECLUDE  
PLAINTIFF'S  
UNAUTHENTICATED EXHIBITS

Case No. 1:05-CV-64 TS

Defendants seek to exclude a list of Plaintiff's exhibits as unauthenticated. Plaintiff responds that it seeks to introduce only some of those exhibits at trial and either submits the authentication or proffers that Dr. Adams will authenticate them at trial. Based on the submissions, the Court finds that exhibits 12, 17, 59, 67, 68, and 88 are authenticated. In addition to the materials submitted by Plaintiff to authenticate Ex. 88, the Court notes (1) that former Defendant Sony represented previously in field documents that No. 88 was

received from ASUS<sup>1</sup> and (2) NO. 88 has ASUS' fax header. Plaintiff also represents that it will authenticate certain exhibits at trial. It is therefore


ORDERED that Defendants' Motion in Limine No. 6 to Preclude Plaintiff's Unauthenticated Exhibits (Docket No. 1460) is DENIED as to Exhibits 12, 17, 59, 67, 68, and 88 as they are authenticated but a foundation will still need to be made for the record at trial. It is further

ORDERED that the Motion is DENIED WITHOUT PREJUDICE as to Exhibits 43, 72, 73, 152, 154, and 246; and 182, 328, 526, 397, 398, 415, 431, 429 and they will be admitted provided a foundation is laid at trial by Dr. Adams, including as prepared at his or his counsel's direction. It is further

ORDERED that the Motion is DENIED as MOOT as to Exhibit No. 384, which relates to ITE and the bifurcated proceedings, and as to Exhibit 384, which is the subject of a separate motion.

DATED September 15, 2010.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>1</sup>Docket No. 320, at 8.